

JOURNAL OF THE ASSEMBLY [September 25, 1981]

STATE OF WISCONSIN

Assembly Journal

Eighty-Fifth Regular Session

FRIDAY, September 25, 1981.

The chief clerk makes the following entries under the above date:

COMMUNICATIONS

September 25, 1981

To The Honorable Assembly:

I am today making the following referrals of those parts of Chapter 20, *Laws of 1981* (Assembly Bill 66, the Biennial Budget Bill), not approved by the Governor. I had hoped to do so much earlier, but for reasons outlined below, this proved impossible.

In the ordinary course of events, a Governor's veto message and the published slip law outlining the specific vetoes can be easily reconciled. In these ordinary cases, the specification of the questions that face the Legislature is a simple, ministerial task. In this case, however, the task is far different due to the enormous number of discrepancies between these two documents. In some cases, the discrepancies are of such a magnitude that serious questions exist as to whether portions of the Governor's veto message are constitutionally adequate. Let me explain.

Article V, Section 10 of the Wisconsin Constitution creates the Governor's partial veto power over appropriation bills. It provides, in part:

Appropriation bills may be approved in whole or in part by the Governor, and the part approved shall become law and the part objected to shall be returned in the same manner as provided for other bills.... If any bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be a law unless the legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

In *State ex rel. Kleczka and Shabaz v. Conta*, 82 Wis. 2d 679, 264 N.W. 2d 539 (1978), the Wisconsin Supreme Court said that this provision does not require that a copy of the vetoes be returned to the house of origin. However, it did set forth the minimum conditions that the Governor's veto message returned to the house of origin must meet. In particular, the Court held:

What must be returned and that which is the *sine qua non* for further legislative action is the Governor's recitation of the portions of the bill he has refused to approve and the reasons therefor.

The Court continued by explaining its reason for this requirement. It said:

What is necessary for the legislature to proceed with a vote to override a veto is a written objection by the Governor addressed to the legislature which may be entered in the legislative journal with sufficient completeness that the legislature knows the nature and scope of the Governor's objections.

Given the fact that the Legislature traditionally considers various item vetoes to a bill separately, casting several separate votes rather than a single vote, it is obviously crucial that the Legislature know without ambiguity exactly what questions are before it.

As Justice Connor T. Hansen noted in his opinion in *Kleczka and Shabaz* (concurring in part, dissenting in part):

The absence of any formalized or consistent procedure has, in part, made this litigation necessary and is likely to contribute to future litigation...(W)e are concerned here not only with the integrity of the Legislative process itself, but also with the provisions of the constitution authorizing the exercise of the partial veto power....

The dignity and integrity of the legislative process would be better served, and future litigation avoided, by the establishment of procedures to guarantee at least a minimum of regularity in the return of a partial veto to the originating house.

[T]he extraordinary character and far reaching consequences of the act of veto are some indication of a necessity that it shall be exercised with a regularity and orderliness commensurate with its importance. *Tuttle v. Boston*, 215 Mass. 57, 60, 102 N.E. 350 (1913).

JOURNAL OF THE ASSEMBLY [September 25, 1981]

In the case of ch. 20, the Governor's recitation of the portions of the Bill he has refused to approve, as shown in the veto message delivered to the Assembly, is replete with errors. These errors include the "unvetoes," 17 missing vetoes, at least 140 SECTIONS of the Bill purportedly vetoed but not referenced in the message, objections which are irrelevant to the SECTIONS cited, typographical errors in the list of SECTIONS cited in many items and miscellaneous other problems.

The Governor says that he tried to deliver a corrected copy of the message to the Assembly after the delivery of his official message. This attempt, however, was made after the expiration of the constitutionally prescribed six-day period for the return of such messages. Further, the purported corrected version of the message itself contains errors and omissions. In my opinion, therefore, the purported, corrected message is a legal nullity.

There is a substantial body of case law which holds that if a Governor fails to list his objections in his message to the Legislature, his vetoes are ineffective [28 OAG 423 (1939)]; *State ex rel. Link v. Olson*, 286 N.W. 2d 262 (N.D. 1979); *Welden v. Ray*, 229 N.W. 2d 706 (Iowa 1975); *State ex rel. Browning v. Blankenship*, 154 W. Va. 253, 175 S.E. 2d 172 (1970); *Arnett v. Meredith*, 275 Ky. 223, 121 S.W. 2d 36 (1938). Given these cases and the standards set in the *Klecza and Shahaz* case, there is a significant potential for litigation on the issue of the effectiveness of the Governor's vetoes. Because of the importance of vetoes and the case law governing it, I did not approach the task of reviewing the Governor's veto message lightly.

With the large number of errors and omissions in the Governor's veto message, an elaborate process was necessary to try to determine the Governor's intent. In order to make these referrals, the following process was used to try to determine the scope of the Governor's objections -- that is, which strike-throughs in the Act delivered to the Secretary of State relate to which item in the veto message -- in each item of the veto message and to describe it in such a way that the question can be put to the Assembly without ambiguity.

1. First, the message was gone through, item by item, and each SECTION of the Bill purportedly affected by that item was reviewed. On a copy of the slip law, each SECTION was marked with the item number to which it purportedly related.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

2. Next, the Bill was gone through, SECTION by SECTION, to identify SECTIONS which had strike-throughs but which had not been referenced in the message.

3. In cases where the vetoed SECTIONS found in Step 2 appeared to relate to one or another item in the message, it was tentatively added to the list of SECTIONS affected by that item. Where no such item could be found, that fact was noted and the advice of the Attorney General was sought.

4. In many cases, the SECTIONS cited as vetoed in the message were found not to have any strike-throughs in the Act delivered to the Secretary of State. The advice of the Attorney General has been sought on the status of these SECTIONS. As an interim measure, I have tentatively referred them while awaiting the Attorney General's advice.

5. In other cases, a SECTION was cited for several items. In some of these cases, the reference was apparently wrong since the SECTION appeared to be wholly unrelated to the objections given for that item in the veto message. In these cases, the irrelevant reference was stricken from the item. In other cases, the strike-throughs in these SECTIONS related to more than one item. Where possible, I tried to unambiguously define what stricken language appeared to relate to each item. In a few cases, however, it was impossible to do so for one or more reasons. I have discussed these problems in more detail below with my referrals of veto items.

The process described here was long and laborious. It involved many judgments on what the Governor meant, rather than simply a ministerial review of what he did. Consequently, there is no guarantee that the corrections made, and assignments of particular SECTIONS to particular veto message items corresponds exactly to the Governor's intent. Hopefully, this process has minimized the number of problems. However, the existence of any such discrepancies demonstrates the problems warned of by Justice Hansen in the *Kleczka and Shabaz* decision when informal and disorderly procedures are used for such important matters.

Finally, it appears in some cases that the Governor lumped together several discrete provisions in a single item that would more appropriately be treated separately. In several of these cases, I have, in order to enhance the Legislature's ability to express its will on such combined provisions, divided the items into separate questions. In doing so, I have attempted to ensure that each division is capable of separate enactment as a complete and workable law. Further, I have

JOURNAL OF THE ASSEMBLY [September 25, 1981]

attempted to avoid dividing whole SECTIONS of the Bill, except as necessary to ensure compliance with the complete and workable law standard, or to enable the Legislature to act independently on logically separable issues.

In the referrals below "SECTIONS" refer to SECTIONS of the Bill and "sections" to sections of the statutes.

VETOES AND REFERRALS

I. AGRICULTURE

A. Barron Animal Health Lab

In his veto message, the Governor says that he has vetoed SEC. 127s. However, it appears that the item is actually comprised of SEC. 1271s of the Bill.

Referred to the Committee on Rules.

B. Brucellosis Indemnities

This item is comprised of SEC. 1273h of the Bill.

Referred to the Committee on Agriculture and Nutrition.

C. Soil and Water Conservation

In his veto message, the Governor says that he has vetoed only SEC. 1271g of the Bill. It appears that the vetoed language appearing in the following SECTIONS was intended to be included in this item as well: SECS. 27g, 27r, 30c, 30g, 30m, 30p, 30t, 30x, 51g, 51r, 123g, 123n, 123r, 656p, 673t, 987t, 989g, 989r, 994m, 1193m, 1195m, 1196m, 1267m, 1269m, 1401m, 1537m, 1816m, 2003, 2200 (3), 2201 (3) (a), 2201 (3) (b), 2204 (3) (a), 2204 (3) (b) and ss. 20.115 (7) (c), 20.115 (7) (g) and 20.855 (2) as created in SEC. 120sm of the Bill.

The Governor has indicated that his veto of the appropriation in s. 20.855 (2) was inadvertent. To allow this error to be corrected, I have divided this item in the following way:

1. Board of Soil and Water Conservation District Aids

This item is comprised of s. 20.855 (2) as created in SEC. 120sm of the Bill and the veto of the language "and" and "the repeal of section 20.855 (2) of the statutes by this act" in SEC. 2204 (3) (a).

Referred to the Committee on Rules.

2. Soil and Water Conservation Policies

This item is comprised of the balance of the item listed above.

Referred to the Committee on Agriculture and Nutrition.

D. Soil Plan Compliance Requirement for Farmland Tax Credit

According to the Governor's veto message, this item is comprised of SEC. 1094n of the Bill. However, it appears that this item also includes the language vetoed in SEC. 1094m and SEC. 2203 (45) (y).

Referred to the Committee on Rules.

II. AIDS AND CREDITS

A. Aids Package

In this item, Governor Dreyfus has lumped together four discrete items. I have divided them in the following way in order to enhance the Legislature's ability to express its will on each issue.

1. 1981 Shared Revenues

This item is comprised of the parts vetoed in the first sentence of s. 79.03 (4) (f) as shown in SEC. 1154u of the Bill.

Referred to the Committee on Rules.

2. 1982 Shared Revenues

This item is comprised of the parts vetoed in the second sentence of s. 79.03 (4) (f) as shown in SEC. 1154u of the Bill. Although not referenced in the Governor's veto message, it appears that this item should include as well the language vetoed in s. 20.835 (1) as shown in SEC. 120sm.

Referred to the Committee on Rules.

3. School Property Tax Credit

This item is comprised of the part vetoed in SEC. 1182 of the Bill.

Referred to the Joint Committee on Finance.

4. Local Purpose Revenues

This item is comprised of the parts vetoed in SECS. 1154m, 1154s and 1154sm.

Referred to the Joint Committee on Finance.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

5. Distribution of Aid Payments and Credits

This item is comprised of the part vetoed in SEC. 1174 of the Bill.
Referred to the Joint Committee on Finance.

6. Nonvetoed SECTIONS

In his veto message, Governor Dreyfus said he had vetoed SECS. 1154p, 1154r, 1154sg, 1154sh, 1154t and 1180. None of these SECTIONS, however, were in any way vetoed in the copy of the Act furnished to the Secretary of State.

Referred to the Committee on Rules.

III. CORRECTIONS

A. Reimbursements to Counties

This item is comprised of SECS. 969rg and 969rs of the Bill.
Referred to the Committee on Rules.

B. Green Bay Modular Facility

According to the Governor's veto message, this item is comprised of SEC. 752r of the Bill. However, the Governor has made other vetoes in this SECTION of the Bill; the other vetoes are treated by the Governor as separate items. It appears, therefore, that this item is intended to be comprised of the language vetoed in s. 46.052 (1) (g) as created in SEC. 752r of the Bill.

Referred to the Committee on Rules.

C. Mental Health Facilities Conversion

This item is comprised of SEC. 7c and SEC. 752g of the Bill.

Referred to the Committee on Criminal Justice and Public Safety.

D. Milwaukee State Office Building

According to the Governor's veto message, this item is comprised of SEC. 752c of the Bill. However, the Governor has made other vetoes in this SECTION of the Bill. The other language vetoed in this SECTION of the Bill is treated by the Governor as a separate item. This item is, therefore, comprised of the part vetoed in s. 46.05 (1n) as created by SEC. 752c of the Bill.

Referred to the Committee on Criminal Justice and Public Safety.

E. Minimum Security Language

This item is comprised of the language vetoed in SEC. 754m of the Bill.

Referred to the Committee on Rules.

F. Oshkosh Site (Technical)

According to the Governor's veto message, he vetoed SEC. 752e of the Bill. However, there is no SEC. 752e. It appears that the Governor meant to include in this item the language vetoed in s. 46.05 (1m) as created in SEC. 752c of the Bill.

Referred to the Committee on Criminal Justice and Public Safety.

G. Parole Discharge

The way that this item was vetoed requires that it be combined with Item III-J, Street "Good Time".

According to the Governor's veto message, this item is comprised of SECS. 969m, 982i, and 1826m of the Bill. However, this item was apparently intended to be comprised of the amendment to s. 53.11 (7) (a) as amended in SEC. 969m, the six sentences added to s. 57.06 (3) immediately following the first sentence of the SECTION as amended in SEC. 982i, and SEC. 1826m of the Bill.

According to the Governor's veto message, item III-J is comprised of SECS. 969m, 982i and 982j. However, item III-J was apparently intended to be comprised of s. 53.11 (7) (b) as amended in SEC. 969m of the Bill; the following language in SEC. 982i of the Bill "*If the person is returned to prison to continue serving his or her sentence, the person shall be given credit for time spent on parole under the original sentence. The credit for time spent on parole shall be for the time period prior to any violation of the conditions of parole which is the basis for revocation of parole.*", and SEC. 982j of the Bill.

A SECTION of a bill, which creates or amends a statute has two parts: (1) the introduction which includes the instructions for interpreting what follows (e.g., "Section __ is amended to read"); and (2) text showing the specific changes to be made to a statute. In order to amend a law, both parts are necessary.

As noted earlier, SECS. 969m and 982i are affected by two separate vetoes. In terms of the specific language of the statutes affected by each item, there is no overlap. However, a problem arises

because of the way these SECTIONS were vetoed. The Governor vetoed not just the new text added in these SECTIONS, but both entire SECTIONS, including the introduction with the instructions showing how to interpret what follows and the unaffected text of the statute showing where the new text is to be inserted.

A general rule applying to vetoes is that they may be considered only once. They may not be reconsidered. [Assembly Rule 73 (1).] Consequently, if Items III-G and III-J were to be taken up separately, the instructions and context would have to be assigned to one of the items, leaving the other without instructions or context, with the result that the latter item could not be overridden if the former item is sustained and result in a complete and workable law. Consequently, the items must be combined.

Combining items is not required in all cases where a given SECTION of the Bill is affected by more than one veto item. A combination is necessary only when the items may not be taken up separately without violating the Assembly Rules or creating the possibility of other than a complete and workable law if all of the separate items are not overridden. For an example of a SECTION which is the object of several vetoes, but where the items may be taken up separately, see SEC. 752r (Items III-B, III-H and III-I).

To sum up, this item is comprised of the language vetoed in SECS. 969m, 982i, 982j and 1826m.

Referred to the Committee on Rules.

H. Remodelling Projects Approval

According to the Governor's veto message, this item is comprised of SEC. 752r of the Bill. However, this SECTION of the Bill is affected by several other items. This item is apparently comprised of the language vetoed in s. 46.052 (4) as created by SEC. 752r of the Bill.

Referred to the Joint Committee on Finance.

I. Review of Zoning

According to the Governor's veto message, this item is comprised of SEC. 752r of the Bill. However, this SECTION of the Bill is affected by several other items. This item is apparently comprised of the words vetoed in s. 46.052 (2) as created by SEC. 752r of the Bill.

Referred to the Committee on Rules.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

J. Street "Good Time"

This item has been combined with Item III-G, Parole Discharge. See the discussion above.

K. Substance Abuse Treatment Program

According to the Governor's veto message, this item deals with SECS. 968r, 968g and 968h. However, neither SECS. 968g nor 968h are in the Bill. It appears that the item is actually comprised of SECS. 968r, 969g and 969h.

Referred to the Committee on Criminal Justice and Public Safety.

L. WEPA Process

The Governor has included in this item two separate issues: (1) whether rules of evidence are to be observed at expedited environmental impact assessments for correctional institutions and (2) whether the expedited procedure should apply to the construction of the Portage correctional institution. Consequently, I have divided this item in the following way:

1. Rules of Evidence

This veto is comprised of the words vetoed in s. 46.043 (2) as created in SEC. 752a of the Bill.

Referred to the Committee on Rules.

2. Application to Portage

This item is comprised of the veto of the word "not" in s. 46.043 (5) of SEC. 752a of the Bill.

Referred to the Committee on Rules.

IV. EDUCATION - LOCAL

A. English as a Second Language Option Under Bilingual Program

This item is comprised of SEC. 1338m of the Bill.

Referred to the Committee on Education.

B. Mediation/Arbitration

This item is comprised of the language vetoed in SECS. 1322e, 1322f and 1322g.

Referred to the Committee on Government Operations.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

C. Minimum Competency Testing

According to the Governor, he vetoed SEC. 1329 of the Bill. However, there is no SEC. 1329 in the Bill. It appears that the language vetoed in SEC. 1329r of the Bill is what is meant in this item.

Referred to the Joint Committee on Finance.

D. Private School Student - Notification of Transportation

This item is comprised of SEC. 1378 of the Bill.

Referred to the Committee on Education.

E. School Aid Secondary Guarantee

According to the Governor's veto message, this item is comprised of SECS. 1369e, 2042 (6) and 2045 (7). The first and last of these SECTIONS deal with the excess oil profits tax created in the Bill, but vetoed by the Governor. SECTION 2042 deals with the increase in the secondary guaranteed valuation for the 1981-82 school year. Because the distribution of the excess oil profits tax receipts is a meaningless proposition unless the veto of that tax is overridden, vetoes of SECS. 1369e and 2045 (7) must be considered along with the tax veto. Consequently, I have divided this item. Only SEC. 2042 (6) of the Bill is referred here. SECTIONS 1369e and 2045 (7) will be combined with the oil company tax veto. [Item XIII-L in the Governor's veto message.]

Referred to the Joint Committee on Finance.

F. School Taxation of Public Lands

This item is comprised of the language vetoed in SECS. 1050, 1051, 1052, 1054, 2201 (20) (b) and 2204 (45) (b).

Referred to the Committee on Rules.

G. Short-Term Borrowing

According to the Governor's veto message, this item is comprised of SECS. 1030, 1021 and 1032 of the Bill. However, there is no SEC. 1021. It appears that this reference should be to SEC. 1031.

Referred to the Committee on Education.

H. Special Adjustment Aid

According to the Governor's veto message, this item is comprised of SECS. 1370g and 1370p of the Bill. However, it appears that it

JOURNAL OF THE ASSEMBLY [September 25, 1981]

should also include the language vetoed in s. 20.255 (1) (fs) as shown in SEC. 120sm.

Referred to the Committee on Rules.

V. EDUCATION - MISCELLANEOUS

A. *HEAL Program*

This item is comprised of SEC. 1848m of the Bill.

Referred to the Committee on Health and Human Services.

B. *Public Broadcasting Study*

According to the Governor's veto message, this item is comprised of SEC. 2201 (1) (c). However, no part of SEC. 2201 (1) (c) was vetoed in the Act delivered to the Secretary of State. This item is apparently intended to be comprised of the language vetoed in SEC. 2011 (1) (c).

Referred to the Committee on Education.

C. *Stonefield*

This item is comprised of the language vetoed in SEC. 2023 (1).

Referred to the Joint Committee on Finance.

D. *Veterans Study Grants*

According to the Governor's veto message, this item is comprised of SECS. 733s and 2204 of the Bill. However, in the copy of the Bill deposited with the Secretary of State, nothing in SEC. 733s was vetoed by the Governor. Further, there were a great many partial vetoes in SEC. 2204 of the Bill. Since only one vetoed portion of SEC. 2204 relates to veterans study grants and because no language was lined out in SEC. 733s, it appears that this item is comprised only of the language vetoed in SEC. 2204 (55) (a). Consequently, I have divided the veto in the following way:

1. *Veterans Study Grants*

This item is comprised of the language vetoed in SEC. 2204 (55) (a).

Referred to the Committee on Rules.

2. Non-Vetoed SECTION

This item is comprised of SEC. 733s of the Bill.

Referred to the Committee on Rules.

E. Youth Initiative Review

This item is comprised of the language vetoed in SEC. 1274gra of the Bill.

Referred to the Committee on Education.

VI. ENERGY

A. Accelerated Depreciation Rate Recovery

This item is comprised of SEC. 1505qn of the Bill.

Referred to the Committee on Rules.

B. Dwelling Code

This item is comprised of the language vetoed in SECS. 1291 and 1295 of the Bill.

Referred to the Committee on Rules.

C. Insulation Testing Laboratory

According to the Governor's veto message, this item is comprised of SECS. 120sm, 120sp, 1274g and 1274gr. However, SEC. 120sm is affected by several items. It appears that this item should include, from this SECTION, only s. 20.115 (1) (cm).

Consequently, this item is comprised of s. 20.115 (1) (cm) as shown in SEC. 120sm of the Bill and SECS. 120sp, 1274g and 1274gr.

Referred to the Committee on Rules.

D. Public Intervenor Financing

According to the Governor's veto message, this item is comprised of SECS. 507r and 2043 (2). However, there is no SEC. 507r. It appears that this item is actually comprised of SECS. 1507r and 2043 (2).

Referred to the Committee on Rules.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

E. Renewable Energy Rebates

According to the Governor's message, this item is comprised of SEC. 1282gm. However, it appears that it also is comprised of the vetoes to SECS. 1282gp, 1282gr and 1282gw.

Referred to the Committee on Rules.

F. Three Mile Island Cost Pick Up

This item is comprised of SEC. 1505qm.

Referred to the Committee on Rules.

G. Utility Weatherization Service

According to the Governor's veto message, this item is comprised of the veto of SEC. 1507m of the Bill. It appears, however, that it also includes the language vetoed in SECS. 97m, 1510m, 1510r, 1622b, 2001 (7) and 2043 (1).

Referred to the Committee on Rules.

H. Weatherization Fund

According to the Governor's veto message, this item is comprised of s. 20.435 (4) (v).

It appears, however, that this veto refers to both SEC. 348m of the Bill and to the language vetoed in SEC. 120sm creating s. 20.435 (4) (v). As with Item IV-E, the distribution of the excess oil profits tax receipts is a meaningless proposition unless the veto of the tax is overridden. Consequently, this item will be combined with Item XIII-L.

VII. GENERAL GOVERNMENT

A. Bonding

According to the Governor's veto message, this item is comprised of SECS. 549s, 549t, 552p, 554s, 555w, 555y and 2006e. However, there is no SEC. 2006e. It appears, further, that the language vetoed in the following SECTIONS should have been included in this item as well: SECS. 2006 (1) (a), 2006 (1) (c), 2006 (1) (d), 2006 (1) (e), 2006 (1) (f), 2006 (1) (g), 2006 (1) (i), 2006 (1) (j), 2006 (1) (k), 2006 (5), 2006 (8) (a), 2006 (8) (d), 2006 (13), 2006 (14), 2006 (15) and the language vetoed in SEC. 120sm relating to s. 20.866 (2) (s), (t), (tr), (u), (zg) and (zj). Since this veto item contains a wide ranging collection of several separate building

JOURNAL OF THE ASSEMBLY [September 25, 1981]

decisions, I have divided this item. The division is primarily by function and is as follows.

1. University Building Program

This item is comprised of the language vetoed in SECS. 549s, 549t, 2006 (1) (i), and the appropriation in SEC. 120sm, creating s. 20.866 (2) (s) and (t).

Referred to the Committee on Rules.

2. Environmental Protection

This item is comprised of the veto of funds for the Southern Center Wastewater Treatment Plant Renovation in SEC. 2006 (1) (c), the language vetoed in SECS. 2006 (1) (j) and 2006 (8) (a), relating to air quality compliance and SEC. 2006 (8) (d).

Referred to the Committee on Rules.

3. Recreation

This item is comprised of the language vetoed in SECS. 552p, 555w and 2006 (1) (d), the language vetoed in SEC. 2006 (1) (f), relating to Park Development and the Pheasant Propagation Facility and the language vetoed in SEC. 120sm, relating to s. 20.866 (2) (tr) and (zg).

Referred to the Committee on Rules.

4. Military Affairs

This item is comprised of the language vetoed in SECS. 555y, 2006 (1) (e) and in SEC. 120sm, relating to s. 20.866 (2) (zj).

Referred to the Committee on Rules.

5. Corrections

This item is comprised of SEC. 2006 (1) (c) except for the Southern Center Wastewater Treatment Plant Renovation.

Referred to the Committee on Rules.

6. Building Program Reductions

This item is comprised of SECS. 2006 (13), 2006 (14) and 2006 (15).

Referred to the Joint Committee on Finance.

7. State Offices and Related Facilities

This item is comprised of the language vetoed in SECS. 554s, 2006 (1) (a), 2006 (1) (f) other than the language on the Park Development and the Pheasant Propagation Facility, SECS. 2006 (1) (g) and 2006 (5), and the language vetoed in SEC. 120sm, relating to s. 20.866 (2) (u).

Referred to the Committee on Rules.

8. Telephone System Acquisition

This item is comprised of the language in SECS. 2006 (1) (j) and 2006 (8) (a), relating to telephone system acquisition.

Referred to the Committee on Government Operations.

9. Summary

This item is informational in nature and has no legal effect. It is comprised of the bottommost-vetoed number in SEC. 2006 (1) (j) and SEC. 2006 (1) (k).

Referred to the Joint Committee on Finance.

B. Condominium Conversions

This item is comprised of the language vetoed in SECS. 1765n, 1765o, 1765p, 1765q, 1765r, 1765s and 1765t.

Referred to the Committee on Rules.

C. Contracting for Services

This item is comprised of the language vetoed in SECS. 15e, 87j, 87L, 87o, 87p, 87s, 87t, 88m, 89m and 2202 (33) (a). As several distinct issues are raised in this item, I have divided it in the following way.

1. Definition of Contractual Services

This item is comprised of the language vetoed in SEC. 87j of the Bill.

Referred to the Joint Committee on Finance.

2. Public Information

This item is comprised of the language vetoed in s. 16.705 (2m) as created in SEC. 87L of the Bill.

Referred to the Committee on Rules.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

3. Waivers

This item is comprised of the language vetoed in s. 16.705 (4) as created in SEC. 87L of the Bill.

Referred to the Committee on Rules.

4. Satisfactory Performance

This item is comprised of the language vetoed in s. 16.705 (7) as created in SEC. 87L of the Bill.

Referred to the Committee on Rules.

5. FTE Information Reporting

This item is comprised of the language vetoed in s. 16.705 (6) and (8) as created in SEC. 87L of the Bill.

Referred to the Committee on Rules.

6. Legislative Contracting

This item is comprised of the language vetoed in SECS. 15e, 87o, 87p, 87s, 87t, 88m, 89m and 2202 (33) (a).

Referred to the Committee on Rules.

D. Joint Finance Approval of Small City Grants

This item is comprised of SEC. 1734p of the Bill.

Referred to the Committee on State-Federal Relations.

E. Pay Plan Approval

This item is comprised of the language vetoed in SECS. 60 and 626 of the Bill.

Referred to the Joint Committee on Finance.

F. Program Revenue and Program Revenue-Service

This item is comprised of the language vetoed in SEC. 2057 (3) of the Bill.

Referred to the Joint Committee on Finance.

G. Sick Leave and Social Security

According to the Governor's veto message, this item is comprised of SECS. 700m and 1530m. However, it appears that the item also includes the language vetoed in SECS. 2201 (1) (j) and 2201 (53) (a).

Referred to the Committee on State Affairs.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

H. Single Budget Bill

This item is comprised of the language vetoed in SECS. 2n, 68r, 69e, 69m and 1736.

Referred to the Joint Committee on Finance.

VIII. JUSTICE

A. Borum Claim

This item is comprised of the language vetoed in SEC. 2057 (7) of the Bill.

Referred to the Committee on Rules.

B. Public Intervenor

This item is comprised of SEC. 2032 of the Bill.

Referred to the Committee on Rules.

C. Special Counsel

According to the Governor's veto message, this item is comprised of SEC. 368 of the Bill. However, it appears that the item should include as well the language vetoed in s. 20.525 (1) (e) as shown in SEC. 120sm of the Bill.

Referred to the Committee on Government Operations.

D. Victim and Witness Programs

This item is comprised of the language vetoed in SEC. 1822m of the Bill.

Referred to the Committee on Rules.

IX. MEDICAID

A. Co-Payment

This item is comprised of the language vetoed in SEC. 852 of the Bill.

Referred to the Committee on Health and Human Services.

B. Co-Payment for Hospitalized Patients

This item is comprised of the language vetoed in SEC. 853 of the Bill.

Referred to the Committee on Health and Human Services.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

C. County Liability for Costs of Inpatient Psychiatric Care

According to the Governor's veto message, this item is comprised of SEC. 856. However, this SECTION is affected by several items. It appears that this item is comprised of the language vetoed in s. 49.46 (2) (b) 7 as created in SEC. 856 of the Bill.

Referred to the Committee on Health and Human Services.

D. Medicaid Benefits -- Authorization to Reduce

This item is comprised of SEC. 861 of the Bill.

Referred to the Committee on Rules.

E. Nursing Home Priority Admission

This item is comprised of the language vetoed in SECS. 782, 848g and 886 of the Bill.

Referred to the Committee on Rules.

F. Nursing Pool Reporting

According to the Governor's veto message, this item is comprised of the language vetoed in SECS. 847 and 2020 (12). However, no part of SEC. 847 of the Bill was, in fact, vetoed in the Act delivered to the Secretary of State. It appears that the Governor meant to say that the language vetoed in SEC. 847j is included in this item.

Referred to the Committee on Health and Human Services.

G. Outpatient Psychotherapy

According to the Governor's veto message, this item is comprised of SEC. 856. However, this SECTION is affected by several items. It appears that this item is intended to be comprised of the language vetoed in s. 49.46 (2)(b)6.f as created in SEC. 856 of the Bill.

Referred to the Committee on Rules.

H. Podiatry Services

According to the Governor's veto message, this item is comprised of SECS. 856 and 860. However, SEC. 856 is affected by several items. It appears that this item is intended to be comprised of s. 49.46 (2) (b) 8 as created in SEC. 856 and the language vetoed in SEC. 860 of the Bill.

Referred to the Committee on Rules.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

I. Psychotherapy -- Minimum Insurance Coverage

This item is comprised of the language vetoed in SEC. 1765g of the Bill.

Referred to the Committee on Rules.

X. MISCELLANEOUS AGENCIES

A. Civilian Conservation Corps Proposal

According to the Governor's veto message, this item is comprised of the language vetoed in SECS. 197e, 197m, 197s, 599, 602p, 602r and 2201 (18) (a). However, no language was vetoed in SEC. 599 of the Act delivered to the Secretary of State. It appears that the Governor meant to include within this item the language vetoed in SEC. 599m of the Bill. Further, it appears that this item includes the language vetoed in ss. 20.370 (1) (gq), (gr) and (gy) as shown in SEC. 120sm of the Bill.

Referred to the Committee on Children and Human Development.

B. Interstate Cooperation Commission

According to the Governor's veto message, this item is comprised of the language vetoed in SEC. 1205m of the Bill. However, there is no SEC. 1205m of the Bill. It appears that this item is comprised of the language vetoed in s. 20.765 (2) (c) and (ca) as shown in SEC. 120sm of the Bill.

Referred to the Committee on Rules.

C. Septic Grant Program

According to the Governor's veto message, this item is comprised of SEC. 120sm of the Bill. However, this SECTION is affected by many items. This item is apparently intended to be comprised of the language vetoed in s. 20.370 (4) (kb) as shown in SEC. 120sm of the Bill.

Referred to the Committee on Environmental Resources.

D. Solid Waste Recycling Authority

According to the Governor's veto message, this item is comprised of SEC. 120sm of the Bill. However, this SECTION is affected by many items. This item is apparently intended to be comprised of the language vetoed in s. 20.398 (1), as shown in SEC. 120sm of the Bill.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

Referred to the Committee on Environmental Resources.

E. WERC Milwaukee Office

This item is comprised of the language vetoed in SEC. 2014 (2) of the Bill.

Referred to the Committee on Labor.

XI. SOCIAL SERVICES

A. AFDC Child-Only Payments

This item is comprised of the language vetoed in SEC. 834 of the Bill.

Referred to the Committee on Children and Human Development.

B. Alcohol and Drug Funds

This item is comprised of the language vetoed in SEC. 2020 (15) and (16) of the Bill.

Referred to the Committee on Health and Human Services.

C. Community Aids -- Applied Receipts

This item is comprised of the language vetoed in s. 20.435 (2) (b) as shown in SEC. 120sm of the Bill.

Referred to the Committee on Rules.

D. Community Aids -- Categorical Reductions

This item is comprised of the language vetoed in SECS. 872 and 934 of the Bill.

Referred to the Committee on Rules.

E. CPB Submission Date

This item is comprised of the language vetoed in SECS. 741 and 742 of the Bill.

Referred to the Committee on Health and Human Services.

F. Displaced Homemakers

According to the Governor's veto message, this item is comprised of the language vetoed in SECS. 790a, 790b, 790d, 790f, 790h, 790j, 790L, 790n, 790p, 790r and 790t. However, it appears that the veto to

JOURNAL OF THE ASSEMBLY [September 25, 1981]

s. 20.435 (2) (bd) in SEC. 120sm should be included in this item as well.

Referred to the Committee on Rules.

G. Domestic Abuse -- Local Share

This item is comprised of the language vetoed in SEC. 792h of the Bill.

Referred to the Committee on Rules.

H. Domestic Abuse -- Maintenance of Effort

This item is comprised of the language vetoed in SEC. 792c of the Bill.

Referred to the Committee on Rules.

I. Domestic Abuse -- Reallocation

This item is comprised of the language vetoed in SEC. 792m of the Bill.

Referred to the Committee on Rules.

J. Earmarking of Federal Child Welfare Funds

This item is comprised of the language vetoed in SEC. 2020 (4) (ag) and (ar). This item deals with two separate issues: (1) the startup of day care services and (2) runaway services. Consequently, I have divided the veto in the following way.

1. Day Care

This item is comprised of the language vetoed in SEC. 2020 (4) (ag).

Referred to the Committee on Rules.

2. Runaway Services

This item is comprised of the language vetoed in SEC. 2020 (4) (ar).

Referred to the Committee on Rules.

K. Homecraft Program

This item is comprised of the language vetoed in SEC. 2020 (19) of the Bill.

Referred to the Committee on Health and Human Services.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

L. Income Maintenance Contracts

This item is comprised of the language vetoed in SEC. 746 of the Bill.

Referred to the Committee on Health and Human Services.

M. Milwaukee Children's Home

According to the Governor's veto message, this item is comprised of SEC. 775 of the Bill. However, it appears that the language vetoed in SECS. 774 and 774m were also intended to be part of this item.

Referred to the Committee on Children and Human Development.

N. Public Patient Treatment Program

According to the Governor's veto message, this item is comprised of the language vetoed in SECS. 758m, 761m, 1330m, 1390m, 1390v, 1391a, 1391c, 1391e, 1391g, 1391j, 1391m, 1392a, 1392b, 1392c, 1392e, 1392g, 1392i, 1392jm and 1392k. However, in the copy of the Act delivered to the Secretary of State, no language in SEC. 1392jm is vetoed. Consequently, I have divided this item in the following way.

1. Public Patient Treatment Program

This item is comprised of the language vetoed in SECS. 758m, 761m, 1330m, 1390m, 1390v, 1391a, 1391c, 1391e, 1391g, 1391j, 1391m, 1392a, 1392b, 1392c, 1392e, 1392g, 1392i and 1392k.

Referred to the Joint Committee on Finance.

2. Non-vetoed SECTION

This item is comprised of SEC. 1392jm.

Referred to the Committee on Rules.

O. Residential Facilities Bonding

This item is comprised of the language vetoed in SEC. 1535r of the Bill.

Referred to the Committee on Rules.

P. Shelter Care

This item is comprised of the language vetoed in SEC. 874 of the Bill.

Referred to the Committee on Rules.

XII. TAX INCREMENT FINANCE

A. Corrective Veto

This item is comprised of the language vetoed in SEC. 1023p of the Bill.

Referred to the Committee on Urban Affairs and Housing.

B. Farmland Provision

According to the Governor's veto message, this item is comprised of the language vetoed in SEC. 1024h of the Bill. However, it appears that this item should also include the language vetoed in SEC. 2203 (57) (a) 4.

Referred to the Committee on Rules.

C. Project Plans

According to the Governor's veto message, this item is comprised of the language vetoed in SEC. 1024p of the Bill. However, it appears that the language vetoed in SEC. 2203 (57) (a) 3 is also intended to be included with this item.

Referred to the Committee on Urban Affairs and Housing.

XIII. TAXATION

A. Alcohol Tax - Whey, Brewers Waste

According to the Governor's veto message, this item is comprised of SECS. 1387gm through 1387gr. However, it appears that the language vetoed in SEC. 1387d should also be included with this item.

Referred to the Committee on Rules.

B. American Legion Baseball Exemption

According to the Governor's veto message, this item is comprised of the language vetoed in SEC. 1124t of the Bill. However, it appears that the item should also include the language vetoed in SEC. 2204 (45) (n) of the Bill.

Referred to the Committee on Revenue.

C. Capital Gains Reinvestment

According to the Governor's veto message, this item is comprised of the following: SECS. 1089s, 1089t, 1089u, 1089um, 1089v, 1089w, 1089wm, 1089x, 1089y, 1089z, 1090ea, 1090eb, 1090ec,

JOURNAL OF THE ASSEMBLY [September 25, 1981]

1090ed, 1090edm, 1090ee, 1090eg, 1090f, 1090fa, 1090fb, 1090fc, 1090fe, 1090k and 1090km. However, there are numerous errors in this description of the veto.

In the first place, it appears that many of the SECTIONS deal with entertainment deductions [SEC. 1090k], accelerated depreciation [SECS. 1089s, 1089u, 1089r, 1089w, 1089x, 1089y, 1089ea, 1089eb, 1089ec, 1089ed, 1089edm, 1089ee and 1089eg] or oil company taxation [SEC. 1089um], which are dealt with in separate vetoes. Furthermore, many of the SECTIONS [SECS. 1089t, 1089wm, 1089z, 1090f, 1090fb, 1090fc, 1090fe and 1090km] show no vetoes at all in the copy of the Act delivered to the Secretary of State.

Of all the SECTIONS enumerated in the Governor's veto message, the only SECTION relating to the objections discussed in this item is SEC. 1090fa of the Bill. Consequently, I have divided this item in the following way.

1. Reinvest-In-Wisconsin

This item is comprised of the language vetoed in SEC. 1090fa.

Referred to the Committee on Rules.

2. Non-Vetoed SECTIONS

This item is comprised of SECS. 1089t, 1089wm, 1089z, 1090f, 1090fb, 1090fc, 1090fe and 1090km.

Referred to the Committee on Rules.

3. Irrelevant SECTIONS

The remaining SECTIONS will be dealt with in the items to which they apparently relate.

D. Corporation Filing Fee

According to the Governor's veto message, this item is comprised of the language vetoed in SEC. 1491g of the Bill. However, it appears that the language vetoed in the following SECTIONS was also intended to be incorporated as part of this item: SECS. 445n, 1491k, 1491p, 1491t, 1491w and 2204 (47) (a).

Referred to the Committee on Rules.

E. Earned Income Tax Credit

According to the Governor's veto message, this item is comprised of the language vetoed in SEC. 1097a of the Bill. However, it appears

JOURNAL OF THE ASSEMBLY [September 25, 1981]

that the language vetoed in SECS. 479m, 2201 (1) (h), 2202 (45) (c) and s. 20.835 (2) (fm) as shown in SEC. 120sm were also intended to be included in this item.

Referred to the Committee on Rules.

F. Entertainment Deduction

According to the Governor's veto message, this item is comprised of the language vetoed in SECS. 1089e, 1090b, 1090bm and 1090k. However, it appears that the language vetoed in SEC. 2203 (45) (w) was also intended to be included within this item. Further, one should note that SEC. 1089e was apparently erroneously referenced in Item XIII-L (Oil Company Tax) and that SEC. 1090k was erroneously referenced in Items XIII-C (Capital Gains Reinvestment), XIII-K (Minimum Tax Preference) and XIII-P (Utility and Rental Depreciation).

Referred to the Committee on Rules.

G. Exempt Property Report

According to the Governor's veto message, this item is comprised of the language vetoed in SEC. 1060s of the Bill. However, there is no SEC. 1060s of the Bill. It appears that the language vetoed in SECS. 1060g, 1060m and 1060r were intended to be included within this item.

Referred to the Committee on Revenue.

H. Foreign Taxes

According to the Governor's veto message, this item is comprised of the language vetoed in SEC. 1089d of the Bill. However, it appears that the language vetoed in SEC. 1090c was also intended to be included within this item.

Referred to the Committee on Rules.

I. Homestead Form

According to the Governor's veto message, this item is comprised of the language vetoed in SEC. 1049h of the Bill. However, there is no SEC. 1049h in the Bill. It appears that this item should be comprised of the language vetoed in SEC. 1094h.

Referred to the Committee on Revenue.

J. Insurance -- Personal Property Tax

According to the Governor's veto message, this item is comprised of the language vetoed in SEC. 1115m of the Bill. However, it appears that the language vetoed in SEC. 2203 (26) (a) should be included in this item as well.

Referred to the Committee on Rules.

K. Minimum Tax Preference

According to the Governor's veto message, this item is comprised of SECS. 1089s through 1089z, 1090ea through 1090km. However, none of these SECTIONS relates in any way to the minimum tax on tax preference items or, especially, to the minimum tax on the preferential income tax treatment of capital gains, which is the purported subject of the objection. Furthermore, many of these SECTIONS are not vetoed at all in the Act delivered to the Secretary of State [SECS. 1089t, 1089wm, 1089z, 1090f, 1090fb, 1090fc, 1090fe and 1090km]. The SECTIONS referenced in the veto message appear to relate to several other subjects including Item XIII-L (Oil Company Tax), Item XIII-P (Utility and Rental Depreciation), Item XIII-F (Entertainment Deduction) and Item XIII-C (Capital Gains Reinvestment).

Unmentioned in the Governor's veto message, but apparently the object of the Governor's objection was the language vetoed in SEC. 1103d of the Bill.

Consequently, I have divided this item in the following way:

1. Minimum Tax on Tax Preference Items

This item is comprised of the language vetoed in SEC. 1103d.

Referred to the Committee on Rules.

2. Non-Vetoed SECTIONS Previously "Non-Vetoed"

The SECTIONS referenced by the Governor in this item but not vetoed in the Act delivered to the Secretary of State were also referenced as vetoed in Item XIII-C. Consequently, they need not be dealt with here.

3. Irrelevant SECTIONS

The remaining SECTIONS referenced by the Governor in this item will be taken up with the appropriate item.

L. Oil Company Tax

According to the Governor's veto message, this item is comprised of SECS. 185e, 348m, 491s, 1089c through 1089um. However, this is wrong in the following ways.

1. Unreferenced SECTIONS

It appears that the language vetoed in SECS. 1101b and 2203 (45) (x) and in ss. 20.255 (1) (s), 20.435 (4) (v) and 20.855 (4) (v) as shown in SEC. 120sm of the Bill should also have been included within this item.

2. Non-Vetoed SECTIONS Not Previously Non-Vetoed

In the copy of the Act delivered to the Secretary of State, there were no vetoes to the language in SEC. 1089r of the Bill.

Referred to the Committee on Rules.

3. Non-Vetoed SECTIONS Previously Non-Vetoed

In the copy of the Act delivered to the Secretary of State there was no veto to the language in SEC. 1089t. This "non-veto" has already been dealt with in Items XIII-C and XIV-K. Consequently, it need not be dealt with here.

4. Irrelevant SECTIONS

(a) The language vetoed in SEC. 1089d properly relates to Item XIII-H (Foreign Taxes);

(b) The language vetoed in SEC. 1089e properly relates to Item XIII-F (Entertainment Deduction); and

(c) The language in SECS. 1089s and 1089u properly relates to Item XIII-P (Utility and Rental Depreciation).

Finally, as noted earlier in the discussion on Items IV-E (School Aid Secondary Guarantee) and VI-H (Weatherization Fund) the language vetoed in SECS. 348m, 1369e and 2045 (7) and the language vetoed in SEC. 120sm creating s. 20.435 (4) (v) must be combined with this item if the result is to be a complete and workable law.

To sum up, this item is comprised of the language vetoed in SECS. 185e, 348m, 491s, 1089c, 1089um, 1101b, 1369e, 2203 (45) (x), 2045 (7) and ss. 20.255 (1) (s), 20.435 (4) (v) and 20.855 (4) (s) as shown in SEC. 120sm of the Bill.

Referred to the Committee on Rules.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

M. Property Assessment -- Corrective Veto

This item is comprised of the language vetoed in SEC. 1038m of the Bill.

Referred to the Committee on Revenue.

N. Property Tax Credit

According to the Governor's veto message, this item is comprised of SEC. 1103 of the Bill. However, it appears that the language vetoed in SEC. 2203 (45) (o) should be included in this item as well.

Referred to the Committee on Rules.

O. Retailer's Discount

This item is comprised of the language vetoed in SEC. 1125im of the Bill.

Referred to the Committee on Small Business and Economic Development.

P. Utility and Rental Depreciation

According to the Governor's veto message, this item is comprised of SECS. 1089s through 1089z and 1090ea through 1090km. However, there are numerous problems with this description.

1. Non-vetoed SECTIONS Previously Non-Vetoed

In the copy of the Act delivered to the Secretary of State, no language was vetoed in SECS. 1089t, 1089wm, 1089z, 1090f, 1090fb, 1090fc, 1090fe, 1090km. However, all of these non-vetoed SECTIONS were already dealt with in Item XIII-C (Capital Gains Reinvestment). Consequently, they need not be dealt with here.

2. Irrelevant SECTIONS

(a) SECTION 1089um properly relates to Item XIII-L (Oil Company Tax);

(b) The language vetoed in SEC. 1090fa properly relates to Item XIII-C (Capital Gains Reinvestment);

(c) The language vetoed in SEC. 1090k properly relates to Item XIII-F (Entertainment Deduction).

To sum up, this item is properly comprised of the language vetoed in the following: SECS. 1089s, 1089u, 1089v, 1089w, 1089x, 1089y, 1090ea, 1090eb, 1090ec, 1090ed, 1090edm, 1090ee,

JOURNAL OF THE ASSEMBLY [September 25, 1981]

1090eg. However, this veto actually deals with two distinct items: (1) the depreciation treatment of utility property; and (2) rental residential property depreciation rules.

Consequently, I have divided the veto in the following way.

1. Residential Rental Property

This item is comprised of SECS. 1089s, 1089u, 1089v, 1089w, 1089x, 1089y.

Referred to the Committee on Rules.

2. Utility Property

This item is comprised of the language vetoed in SECS. 1090ea, 1090eb, 1090ec, 1090ed, 1090edm, 1090ee and 1090eg.

Referred to the Committee on Rules.

XIV. TRANSPORTATION

A. Aviation Fuel Tax

This item is comprised of the language vetoed in SECS. 2203 (51) (w) and 2204 (51) (p).

Referred to the Committee on Revenue.

B. Counter Service Fee

This item is comprised of the language vetoed in SEC. 1546 of the Bill.

Referred to the Committee on Transportation.

C. Elderly and Handicapped Aids

This item is comprised of the language vetoed in SECS. 1233q and 1234 of the Bill.

Referred to the Committee on Aging, Women and Minorities.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

D. Highway Project Priorities

This item must be combined with Item XIV-O (Transportation Projects Commission). See the discussion under Item XIV-O.

E. Highway Project Priority Criteria

This item is comprised of the language vetoed in SECS. 1201g, 1201s and 2051 (18).

Referred to the Joint Committee for Review of Administrative Rules.

F. Highway Signs to UW Campuses

This item is comprised of the language vetoed in SEC. 1237c of the Bill.

Referred to the Committee on Highways.

G. Lake Michigan Ferry

According to the Governor's veto message, this item is comprised of SEC. 120sm. However, this SECTION is affected by several items.

This item is apparently intended to be comprised of the language vetoed in s. 20.395 (2) (bq) as shown in SEC. 120sm of the Bill. Further, it appears that a portion of the language vetoed in SEC. 259 should be included in this item -- in particular, the veto of the phrases: "Rail car ferry assistance," and "for rail car ferry grants under s. 85.08 (4)," and the last sentence vetoed in this SECTION.

Referred to the Committee on Rules.

H. Major Highway Planning Project Designation

This item is comprised of the language vetoed in SEC. 2051 (11) of the Bill.

Referred to the Committee on Rules.

I. Memorial Street Bridge

According to the Governor's veto message, this item is comprised of SECS. 120sm, 284m, 1266m and 2051 (4). However, SEC. 120sm is affected by several items. The reference to SEC. 120sm is apparently intended to be limited to the language vetoed in s. 20.395 (4) (dq). Two separate issues are dealt with in this item: (1) the Memorial Street Bridge; and (2) the lapse of \$1.5 million to the

JOURNAL OF THE ASSEMBLY [September 25, 1981]

Transportation Fund. Consequently, I have divided this item in the following way.

1. Memorial Street Bridge

This item is comprised of the language vetoed in SECS. 284m and 1266m and s. 20.395 (4) (dq) as shown in SEC. 120sm.

Referred to the Committee on Rules.

2. Transportation Fund Lapse

This item is comprised of the language vetoed in SEC. 2051 (4).

Referred to the Committee on Rules.

J. Milwaukee Expressway Aids

This item is comprised of the language vetoed in SEC. 289m of the Bill.

Referred to the Committee on Rules.

K. Milwaukee Freeways Demap

This item is comprised of the language vetoed in SECS. 297m and 2051 (8) of the Bill.

Referred to the Committee on Rules.

L. Racine Bridge

This item is comprised of the language vetoed in SEC. 2051 (12) of the Bill.

Referred to the Committee on Rules.

M. Railroad Expenditures

According to the Governor's veto message, this item is comprised of SECTION 259 of the Bill. However, this SECTION is affected by two items. This item is apparently intended to be comprised of the sentence "*The amount expended for capital advances under s. 85.08 (4m) (e) may not exceed \$2,000,000 plus the amount under chapter.... (this act), laws of 1981, section 2151 (2) in the 1981-83 biennium, and \$2,000,000 biennially thereafter.*"

Referred to the Committee on Transportation.

N. Single License Plate

According to the Governor's veto message, this item is comprised of the language vetoed in SECS. 626m, 1540b, 1557m, 1569m,

JOURNAL OF THE ASSEMBLY [September 25, 1981]

1597m, 1598e, 2200 (51) (a), 2200 (51) (b) and 2200 (51) (c). However, it appears that the language vetoed in the following SECTIONS was also intended to be included as part of this item:

SECS. 1540e, 1540h, 1540L, 1540o, 1540r, 1540u, 1540y, 1541, 1541b, 1541d, 1541e, 1541h, 1541L, 1541o, 1541r, 1541u, 1541y, 1547b, 1547e, 1547g, 1547h, 1547j, 1547L, 1547n, 1547r, 1547u, 1547y, 1548m, 1550m, 1551, 1551g, 1551r, 1555c, 1555g, 1555L, 1555p, 1555t, 1555x, 1557, 1559, 1598m, 1598s and 1600m.

Referred to the Committee on Rules.

O. Transportation Projects Commission

According to the Governor's veto message, this item is comprised of the language vetoed in SECS. 7s, 1194m, 1195s, 1195sm, 1196b, 1196e, 1196em, 1196h, 1196n, 1196p, 1196q, 1196r, 1196s, 1196t, 1197m, 1199b, 1199d, 1199h, 1199j, 1199L, 1199n, 1199p, 1223m, 1224, 1230m, 1325b, 1325c, 1325d, 1325e, 1504m, 1504s, 2201 (51) (b) and 2203 (51) (u) and (v).

However, it appears that this item should also include the language vetoed in SECS. 1195e, 1195f, 1195g, and 1196o.

Moreover, there is an unusual veto in SEC. 1196j, involving the Transportation Projects Commission, a SECTION which also appears to belong in Item XIV-D (Highway Project Priorities). Throughout the Bill, except for the part of this SECTION relating to the Commission, language that is vetoed is marked by a backward slash (one running from top left to lower right). In this SECTION, the phrase "and the transportation projects commission" is marked with virgules (a slash running from lower left to top right). The apparent intent was to indicate which vetoed language in this SECTION went with each item -- i.e., Items XIV-D and XIV-O. However, because dividing this SECTION in the indicated way between these two items would result in an incomplete and unworkable law being passed if Item XIV-D was overridden by itself, these two Items are combined to prevent that result. [See also the discussion on Item III-G.]

In summary then, this item is comprised of the language vetoed in SECS. 7s, 1194m, 1195e, 1195f, 1195g, 1195s, 1195sm, 1196b, 1196e, 1196em, 1196h, 1196j, 1196n, 1196o, 1196p, 1196q, 1196r, 1196s, 1196t, 1197m, 1199b, 1199d, 1199h, 1199j, 1199L, 1199n, 1199p, 1223m, 1224, 1230m, 1325b, 1325c, 1325d, 1325e, 1504m, 1504s, 2201 (51) (b) and 2203 (51) (u) and (v).

Referred to the Committee on Rules.

XV. UNIVERSITY OF WISCONSIN

A. Center System Custodial Transfer

This item is comprised of the language vetoed in SEC. 2053 (4) of the Bill.

Referred to the Committee on Rules.

B. LaFollette (Sic) Institute

According to the Governor's veto message, this item is comprised of the language vetoed in SECS. 674g and 2052 (5) of the Bill. However, no language was vetoed in SEC. 2052 in the Act delivered to the Secretary of State. It appears that the language vetoed in SEC. 2053 (5) was meant to be included in this item.

Referred to the Committee on Rules.

C. Law School

This item is comprised of the language vetoed in SEC. 674b of the Bill.

Referred to the Committee on Rules.

XVI. VTAE

A. Certification of District Budgets

According to the Governor's veto message, this item is comprised of the language vetoed in SECS. 679, 679g and 679h. However, there is no SEC. 679h. It appears that this item should include instead the language vetoed in SEC. 682h.

Referred to the Committee on Education.

B. Contracting for Services -- Private

According to the Governor's veto message, this item is comprised of SEC. 678m. However, this SECTION is also affected by Item XVI-C (Contracting for Services -- Public Schools). Consequently, it appears that this item is limited to the language vetoed in s. 38.14 (3) (b) as shown in SEC. 678m.

Referred to the Committee on Education.

C. Contracting for Services -- Public Schools

According to the Governor's veto message, this item is comprised of SEC. 678m. As noted above, however, this SECTION is affected by two items. Consequently, it appears that this item is intended to

JOURNAL OF THE ASSEMBLY [September 25, 1981]

be comprised only of the language vetoed in s. 38.14 (3) (a) as shown in SEC. 678m of the Bill.

Referred to the Committee on Education.

D. Deputy Director

This item is comprised of the language vetoed in SEC. 1521 of the Bill.

Referred to the Committee on Education.

XVII. VETOES NOT DESCRIBED OR EXPLAINED

A. Unfair Trade Practices in the Home Insulation Industry

In the copy of the Bill delivered to the Secretary of State, the Governor purported to veto SEC. 1274gm of the Bill. This SECTION would create s. 100.215, *Stats.*, which would require the Department of Agriculture, Trade and Consumer Protection to establish rules regulating home insulation trade practices. This SECTION number was not referenced in the Governor's veto message and the Governor's objections to the SECTION are not found in the message.

A request has been made to the Attorney General for a formal opinion on the effectiveness of vetoes which are not referenced and explained in a veto message.

Referred to the Committee on Energy.

B. Section 20.370 (1) (kr) -- DNR Resource Acquisition and Development

In the appropriation schedule in SEC. 120sm as shown in the copy of the Act delivered to the Secretary of State, the Governor has purported to veto the s. 20.370 (1) (kr) appropriation line. This veto does not appear to be referenced or explained in the Governor's veto message. In addition, SEC. 202p, which was not vetoed and is now law, creates this appropriation as a sum sufficient.

As noted above, a formal opinion of the Attorney General has been sought about the effectiveness of unreferenced and unexplained vetoes. Whether or not such vetoes are effective generally, this one would appear to be particularly ineffective because sum sufficient appropriations are not governed by the appropriation schedule contained in the statutes.

JOURNAL OF THE ASSEMBLY [September 25, 1981]

Referred to the Joint Committee on Finance.

**Best wishes,
ED JACKAMONIS
Speaker**